

Message Text

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SUBJ: HUMAN RIGHTS IN TURKEY: 1976 REPORTING REQUIREMENT

REF: (A) STATE 045319 (B) ANKARA 5704 JULY 24, 1975

(C) ANKARA A-36, MARCH 10, 1975 (D) ANKARA 3035,

APRIL 22, 1974

1. THE PRESENT STATUS OF HUMAN RIGHTS IN TURKEY HAD CHANGED LITTLE FROM OUR MOST RECENT ASSESSMENTS (REFS B, C, AND D). IN 53 YEARS AS A REPUBLIC, TURKEY HAS, DESPITE OCCASIONAL LAPSES, MADE AN IMPRESSIVE RECORD OF PROGRESS IN POLITICAL DEVELOPMENTS. TURKEY TODAY IS A PARLIAMENTARY DEMOCRACY IN WHICH HUMAN RIGHTS ARE PROTECTED TO A RELATIVELY HIGH DEGREE. THERE IS NO RPT NO EVIDENCE OF A "CONSISTENT PATTERN OF GROSS VIOLATIONS OF RECOGNIZED HUMAN RIGHTS" IN TURKEY.

2. THE FOLLOWING OBSERVATIONS ARE KEYED TO SUBPARAGRAPHS A-E OF PARAGRAPH 12, REF. A:

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A. TURKISH CONSTITUTION, TURKISH PENAL

CODE, AND LEGAL PRACTICE PROVIDE FOR A NUMBER OF PROCEDURAL SAFEGUARDS FOR DEFENDANTS WHICH APPROXIMATE DUE PROCESS AND AFFORD PROTECTION FROM ARBITRARY ARREST AND DETENTION. THESE RIGHTS AND SAFEGUARDS ARE SUMMARIZED IN PARAGRAPH 2 OF REF. D. ARTICLE 124 OF THE CONSTITUTION AUTHORIZED PARLIAMENT TO DECLARE MARTIAL LAW. THE MOST RECENT IMPOSITION OF MARTIAL LAW OCCURED WITH THE CYPRUS CRISIS STARTING IN JULY, 1974. THE DECLARATION AFFECTED TWO PROVINCES FACING CYPRUS (ADANA AND ICEL) AND THE TWO MAJOR METROPOLITAN CENTERS (ANKARA AND ISTANBUL). AFTER A NUMBER OF ONE-MONTH EXTENSIONS BY PARLIAMENT, MARTIAL LAW WAS ALLOWED TO LAPSE SEPTEMBER 4, 1975, BEFORE THE OCTOBER 1975 SENATE ELECTIONS.

B. ACTUAL CURRENT GOT PRACTICE AND RELEVANT LEGISLATION RESTRICTING CIVIL AND POLITICAL RIGHTS ARE SUMMARIZED IN PARAGRAPH 3 OF REF. D. LEGISLATION IN THIS POLITICALLY SENSITIVE AREA IS UNDER CONTINUING SCRUTINY BY TURKEY'S INDEPENDENT JUDICIARY AND SOME PROVISIONS OF LAW HAVE BEEN FOUND UNCONSTITUTIONAL BY THE CONSTITUTIONAL COURT (ANKARA A-1, JANUARY 7, 1976). HOWEVER, THE PRESENT GOVERNMENT HAS REINTRODUCED NEW LEGISLATION IN THESE AREAS AND LITIGATION CONTINUES. TURKISH CONSTITUTIONAL GUARANTEES APPEAR TO FULFILL PRECEPTS OF UNIVERSAL DECLARATION OF HUMAN RIGHTS. THE LEGAL PROVISIONS WHICH MIGHT BE CONSIDERED IN CONTRADICTION OF ARTICLE 19 OF THE UNIVERSAL DECLARATION INCLUDE ARTICLE 125 OF THE TURKISH PENAL CODE (AGAINST SEPARATISM OR IMPAIRING THE NATION'S INDEPENDENCE), ARTICLE 141 OF THE PENAL CODE (AGAINST FORMING COMMUNIST SOCIETIES), AND ARTICLE 142 OF THE PENAL CODE (AGAINST THE DISSEMINATION OF COMMUNIST PROPAGANDA).

C. THERE IS NO RPT NO EVIDENCE THAT GOT CONCONES OR ENCOURAGES ITS OFFICIALS IN VIOLATIONS OF HUMAN RIGHTS WITH RESPECT TO KILLINGS, ARBITRARY ARREST, AND PROLONGED DETENTION, TORTURE AND OTHER INHUMANE OR DEGRADING TREATMENT, UNFAIR TRIALS OR OTHER FLAGRANT DENIALS TO RIGHT OF LIFE, LIBERTY, AND SECURITY OF PERSON. AMONG THE PRINCIPAL DETERRENTS TO SUCH ACTIONS BY LAW ENFORCEMENT PERSONNEL ARE TURKEY'S FREE PRESS AND COMPETITIVE POLITICAL SYSTEM. THE BASIS LEGISLATION GOVERNING THE CONDUCT OF POLICE AND PRISON OFFICIALS IS THE LAW OF DUTIES AND AUTHORITIES OF THE POLICE AND THE CRIMINAL COURTS PROCEDURES LAW. IN ADDITION, THE MINISTRY OF LIMITED OFFICIAL USE

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INTERIOR ISSUES REGULATIONS GOVERNING THE CONDUCT OF POLICE AND THE MINISTRY OF JUSTICE DOES SO AS REGARDS PRISON OFFICIALS.

D. NO RECENT REPORTS ON THIS SUBJECT BY APPROPRIATE INTERNATIONAL ORGANIZATIONS HAVE COME TO OUR ATTENTION.

3. IN VIEW OF THE CURRENT STATUS OF HUMAN RIGHTS IN TURKEY, THERE HAS BEEN NO RPT NO NEED FOR U.S. INITIATIVES TO DISCOURAGE

HUMAN RIGHTS VIOLATIONS OR TO PROMOTE RESPECT FOR HUMAN RIGHTS.

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